



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/796,687

12/29/2004

Ann Marie J. Bryan

J25-1253

2639

21706 7590 04/16/2008

NOTARO AND MICHALOS
100 DUTCH HILL ROAD
SUITE 110
ORANGEBURG, NY 10962-2100

EXAMINER

OLANIRAN, FATIMAT O

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,687	Applicant(s) BRYAN, ANN MARIE J.	
	Examiner FATIMAT O. OLANIRAN	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/29/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. In addition the specification has a number of spelling errors. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 6, line 11, "...for the receptive..."

Page 6, line 16, "...receivers can be used an idea..."

Page 6, line 22, "...benefit to this unit is that they..."

Page 7, line 6, "...that will make them..."

Page 8, line 23, "...THE INITATE..."

Page 14, line 5, "...inside the hood or out..."

Applicant's frequent use of the terms, "them" and "they" and misspellings make the specification unclear.

This list is not exhaustive.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (7035422) in view of Anderson (6594370).

Claim 2, Wiener discloses a left and a right front panel for covering respective left and right chest areas of the wearer, each front panel having an upper collar portion and a vest lining (Fig. 1a-b and col. 4 line 47-51);

a rear panel having opposite side edges connected respectively to the front panels for covering a back area of the wearer, and defining with the front panels, left and right sleeve openings, the rear panel having an upper collar portion and a further vest lining (Fig. 1a-b and col. 4 line 47-51);

a left and a right speaker mounted to the respective left and right front panels for receiving signals to generate vibrations, the mounting of the left and right speakers being adapted for transmitting vibrations to the chest areas of the wearer (Fig. 1a-e and col. 5 line 56-65);

a rear speaker mounted to the rear panel for receiving signals to generating vibrations, the mounting of the rear speaker being adapted for transmitting vibrations to the back area of the wearer (Fig. 1b, Fig. 1e and col. 5 line 56-65);

Weiner does not clearly disclose a plug socket near one of the side edges of the rear panel for connecting at least one of a sound generating device and a power charger to the speakers. However, Wiener discloses a plug socket near one of the pockets for

Art Unit: 2615

connecting at least one of a sound generating device and a power charger to the speakers (col. 6 line 39-42); Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to try different design placements, including the edges of the rear panel, in order to make the wiring and socket less noticeable.

Weiner does not disclose a left and a right sleeve each removably connected to one of the sleeve openings for covering left and right arms of the wearer; a wristwatch removably connected to one of the sleeves; at least one wireless receiver mounted to the collar portion of at least one of the front and rear panels for sending sound signals to the speakers; and at least one reflector on at least one of the front panels, the rear panel and the sleeves.

Examiner takes official notice on the limitation a left and a right sleeve each removably connected to one of the sleeve openings for covering left and right arms of the wearer; Weiner discloses a vest and various clothing (col. 2 line 5-6), therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to have removable sleeves so that a user may form a vest from a jacket and vice versa as desired.

Examiner takes official notice on the limitation a wristwatch removably connected to one of the sleeves;

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wristwatch so that the user can tell the time.

Art Unit: 2615

Anderson discloses at least one wireless receiver mounted to the collar portion of at least one of the front and rear panels for sending sound signals to the speakers (Fig. 1 and col. 4 line 28-35) and at least one reflector (col. 4 line 35-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weiner's collar portion and panel speakers with the antenna and communication method of Anderson in order to be able to receive audio wirelessly (Weiner; col. 14 line 50-51).

Claim 3 analyzed with respect to claim 2, Weiner in view of Anderson disclose, at least one pocket in each of the front panels a sound generating device in at least one of the pockets (Weiner, Fig. 1a and col. 6 line 32-36), and a credit card size remote control in combination with the vest for remotely controlling the sound generating device (Anderson; col. 3 line 63-66 and col. 4 line 3-5).

Claim 4 analyzed with respect to claims 2-3, Weiner in view of Anderson disclose wherein the sound generating device is selected from the group consisting of: a CD player, an MP3 player, a radio, a computer, a DVD player, a game, and a television (Weiner; col. 6 line 34-35).

Claim 7 analyzed with respect to claim 2, Weiner discloses wherein the speakers are internal and are mounted within the vest linings (col. 6 line 3-6 and col. 5 line 57-59).

Claim 10 analyzed with respect to claim 2, Weiner in view of Anderson disclose including a wireless transmitter connected to one of the collar portion (Anderson; Fig. 1 and col. 4 line 28-31).

Claim 11 analyzed with respect to claim 2, Weiner in view of Anderson disclose wherein the receiver is mounted to one of the collar portions of one of the front panels, the vest including a transmitter connected to the collar portion of the other front panel (Anderson; Fig. 1 and col. 4 line 28-31).

4. Claims 5-6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (7035422) in view of Anderson (6594370) in further view of Marmaropoulos (6535102).

Claim 5 analyzed with respect to claims 2-4, Weiner in view of Anderson do not disclose including a hood connected to the collar portions and containing a built-in headphone for the wearer.

Marmaropoulos discloses a hood connected to the collar portions and containing a built-in headphone for the wearer (Fig. 1 and col. 2 line 12-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the speaker garments of Weiner in view of Anderson with the hood and earphone of Marmaropoulos so that a user may have a convenient and comfortable method of listening to audio during cold weather.

Art Unit: 2615

Claim 6 analyzed with respect to claim 2, Weiner in view of Anderson do not disclose including a hood connected to the collar portions and containing a built-in headphone for the wearer.

Marmaropoulos discloses a hood connected to the collar portions and containing a built-in headphone for the wearer (Fig. 1 and col. 2 line 12-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the speaker garments of Weiner in view of Anderson with the hood and earphone of Marmaropoulos so that a user may have a convenient and comfortable method of listening to audio during cold weather.

Claim 8 analyzed with respect to claims 2, 7, Weiner in view of Anderson do not disclose including a hood connected to the collar portions and containing a built-in headphone for the wearer.

Marmaropoulos discloses a hood connected to the collar portions and containing a built-in headphone for the wearer (Fig. 1 and col. 2 line 12-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the speaker garments of Weiner in view of Anderson with the hood and earphone of Marmaropoulos so that a user may have a convenient and comfortable method of listening to audio during cold weather.

Art Unit: 2615

Claim 9 analyzed with respect to claims 2, 7-8, Weiner in view of Anderson disclose including a wireless transmitter connected to one of the collar portions (Anderson; Fig. 1 and col. 4 line 28-31)

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki (4876724)

Goldsmith et al (4858248)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FATIMAT O. OLANIRAN whose telephone number is (571)270-3437. The examiner can normally be reached on M-F 10:00-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2615

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FO

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615